

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**1202 FUSELAGE AVENUE, BALTIMORE,
MARYLAND 21220, (Freeman),
Defendant.**

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Civil No. _____

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VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, the United States of America, through undersigned counsel, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against real property known as **1202 Fuselage Avenue, Baltimore, Baltimore County, Maryland 21220**, with all buildings, appurtenances, and improvements thereon, hereinafter referred to as "defendant property," which was used and intended to be used to commit and to facilitate the commission of a felony violation of 21 U.S.C. section 841, and is, therefore, forfeitable pursuant to 21 U.S.C. section 881(a)(7), and also is proceeds traceable to an exchange for a controlled substance in violation of 21 U.S.C. section 841, and is, therefore, forfeitable pursuant to 21 U.S.C. section 881(a)(6).

JURISDICTION AND VENUE

2. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States

under 28 U.S.C. section 1345, over an action for forfeiture under 28 U.S.C. section 1355(a), and over this particular action under 21 U.S.C. section 881.

3. Venue is proper in this district pursuant to 28 U.S.C. section 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district, and pursuant to 28 U.S.C. section 1395 because the defendant property is located in this district.

4. Land records for **Baltimore County** indicate that the defendant real property **1202 Fuselage Avenue, Baltimore, Baltimore County, Maryland 21220**, is owned by Johnny and Sandra Freeman.

BASIS FOR FORFEITURE

5. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. section 881(a)(7) because it was used and intended to be used to commit and to facilitate the commission of a felony violation of 21 U.S.C. section 841, and also because it is proceeds traceable to an exchange for a controlled substance in violation of 21 U.S.C. section 841, and is therefore forfeitable pursuant to 21 U.S.C. section 881(a)(6).

FACTS

6. The forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of Detective Allan Stockdale, Baltimore County Police Department, which is incorporated herein by reference.

WHEREFORE, the plaintiff prays as follows:


1. That any persons having an interest in the above-described defendant property be cited to appear herein and answer the Complaint;

2. That the United States Marshals Service be authorized to post notice of the pendency of this civil forfeiture case at the defendant property;

3. That Judgment of Forfeiture be decreed against the defendant property;
4. That upon Final Decree of Forfeiture, the United States Marshals Service dispose of the defendant property according to law; and
5. That the plaintiff have such other and further relief as the case may require.

May 28, 2014

Respectfully submitted,
Rod J. Rosenstein
United States Attorney


Richard C. Kay
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
Telephone: (410) 209-4850
Bar No. 06766

VERIFICATION

I, Richard C. Kay, declare under penalty of perjury as provided by 28 U.S.C. section 1746, that the foregoing Complaint for Forfeiture in rem is based on reports and information furnished to me by the Baltimore County Police Department, and that everything contained therein is true and correct to the best of my knowledge and belief.


Richard C. Kay
Assistant United States Attorney

DECLARATION IN SUPPORT OF FORFEITURE COMPLAINT

I. Purpose of the declaration

This affidavit is submitted in support of a complaint for forfeiture of the following:

1202 Fuselage Avenue, Baltimore, Maryland 21220.

I submit that there are sufficient facts to support a reasonable belief that this property was used and was intended to be used to commit, and to facilitate the commission of a violation of Title 21, United States Code Section 841, and therefore, should be forfeited to the United States of America pursuant to 21 U.S.C. section 881(a)(7).

II. Declarant

I, Allan Stocksdale, have been a Baltimore County Police Officer since August of 1986, and as of October 1991, have been assigned to the Narcotics Section. In February 1997, I began working in the Asset Forfeiture Unit within the Narcotics Section. In December of 2009, I transferred to the Legal Section.

III. Probable Cause

The information set forth below is based upon personal observations, information provided by official police records, and other public records and financial documents.

The Baltimore County Police executed search warrants at the residence of Sandra and Johnny FREEMAN, **1202 Fuselage Avenue, Baltimore County, Maryland 21220**, in March 1998, January 2010, April 2012, May 2013, and October 2013, following numerous complaints about drug activity at the residence. During the execution of these warrants, officers seized numerous drugs and drug evidence, including prescription pills, such as Oxycodone and Alprazolam, a digital scale, and drug sales accounting notes.

Also, in April 2013, Sandra Freeman was involved in a car accident and she was arrested for driving under the influence of drugs. She was found in possession of approximately 95 prescription pills, including Oxycodone and Alprazolam. Over the period outlined above, the Freemans were charged on a number of occasions with drug offenses.

During March 2014, Baltimore County Police received new information that Sandra FREEMAN was continuing to sell Oxycodone pills. Also on three occasions during March, undercover officers went to 1202 Fuselage Avenue and purchased Oxycodone pills for cash. On each of these occasions, both Sandra and Johnny FREEMAN were present and participated in the sale of the pills. Both Sandra and Johnny FREEMAN have been charged with felony drug offenses pertaining to these three acts of distribution of Oxycodone at 1202 Fuselage Avenue.

Maryland State Wage records indicate that Sandra FREEMAN earned \$750 in reported income for the first three quarters of 2013 and no other wages were reported for Sandra FREEMAN during the period for which records are available. Records also indicate that Johnny FREEMAN has an average reported income of \$35,000 per year over the past three years.

Maryland Department of Assessments and Taxation records indicate that Johnny FREEMAN and Sandra FREEMAN are the owners of 1202 Fuselage Avenue, and that the Bank of America holds a mortgage secured by the property.

IV. Conclusion


Based on the foregoing, I submit that there are sufficient facts to support a reasonable belief that **1202 Fuselage Avenue Baltimore, Maryland 21220**, was used and was intended to be used to commit, and to facilitate the commission of a violation of Title 21, United States Code Section 841, and therefore, should be forfeited to the United States of America pursuant to 21 U.S.C.

section 881(a)(7), and that the property also constitutes proceeds traceable to the drug offenses outlined above, and is, therefore, forfeitable pursuant to 21 U.S.C. section 881(a)(6).

Based on training and experience, I am aware that 21 U.S.C. section 881(a)(7), authorizes the forfeiture of real property that "is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of a [drug felony]." I am also aware that the Fourth Circuit has interpreted this provision to require "a substantial connection between the property and the underlying criminal activity." United States v. 7715 Betsy Bruce Lane, Summerfield, N.C., 906 F.2d 110, 112-113 (4th Cir. 1990). In the same case, the Fourth Circuit stated that "a single felony drug violation ... is all that is needed...." Id. at 113.

I declare, under penalty of perjury as provided in 28 U.S.C. section 1746 that the foregoing is true and correct to the best of my knowledge and belief.

5/08/14
Date


Detective Allan Stocksdale
Baltimore County Police Department

U.S. Department of Justice
United States Marshals Service


**PROCESS RECEIPT AND
RETURN**

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER
DEFENDANT 1202 Fuselage Avenue, Baltimore, Maryland 21220 (Freeman)		TYPE OF PROCESS Verified Complaint in Rem
SERVE ↓ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN /	
	ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)	

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	
Jennifer Stubbs, FSA Paralegal Specialist U.S. Attorney's Office 36 S. Charles Street, 4th floor Baltimore, Maryland 21201	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Arrest property. Fill in the date of arrest in this process receipt and return our copy.

Signature of Attorney or other Originator requesting service on behalf of: 	TELEPHONE NUMBER 410-209-4800	DATE 5/28/14
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk _____	Date _____
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).				<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.		
Address (complete only if different than shown above)				Date of Service		Time am pm
				Signature of U.S. Marshal or Deputy		
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund

REMARKS:

PRIOR EDITIONS MAY BE USED

SEND ORIGINAL + 2 COPIES to USMS.

1. CLERK OF COURT 2. USMS Record 3. Notice of Service 4. Billing Statement 5. Acknowledgment of Receipt

MEMORANDUM

DATE: May 28, 2014

TO: Kristine Cupp
U.S. Marshal Service

FROM: Jennifer Stubbs
Paralegal Specialist
U.S. Attorney's Office - District of Maryland

RE: **U.S. v. 1202 Fuselage Avenue, Baltimore, Maryland 21220 (Freeman)**

Civil Action No.

CATS ID _____
Agency Case No. - _____

The United States has filed a forfeiture action against **1202 Fuselage Avenue, Baltimore, Maryland 21220 (Freeman)**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at www.forfeiture.gov pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment